

STAFF SUMMARY FOR OCTOBER 14, 2021

27. NON-REGULATORY REQUESTS**Today's Item****Information** ☐**Action** ☒

This is a standing agenda item for FGC to act on non-regulatory requests from the public.

Summary of Previous/Future Actions

- FGC received requests Aug 18, 2021; Webinar/Teleconference
- **Today's potential action on requests** **Oct 14, 2021; Webinar/Teleconference**

Background

FGC provides direction regarding requests from the public received by mail, email, and during general public comment at the previous FGC meeting. Public requests for non-regulatory action follow a two-meeting cycle to ensure proper review and consideration.

- (A) ***Non-regulatory requests.*** Non-regulatory requests scheduled for consideration today were received at the Aug 2021 meeting in one of three ways: (1) submitted by the comment deadline and published in a table in the meeting binder, (2) submitted by the supplemental comment deadline and delivered at the meeting, or (3) received during public comment at the meeting. One request received in Aug, is a regulatory petition that was rejected under staff review pursuant to Section 662(b), Title 14 of the California Code of Regulations (Exhibit A2); because the petition does not request a change to regulatory text it is being processed as a non-regulatory request for FGC's consideration.

Today, five non-regulatory requests are scheduled for action. Exhibit A1 summarizes the requests and contains staff recommendations, developed with input from DFW staff.

- (B) ***Pending non-regulatory requests.*** This item is an opportunity for staff to provide an update or recommendation on non-regulatory requests that were scheduled for action at a previous meeting and referred by FGC to staff or DFW for further review.

There are no pending non-regulatory requests.

Significant Public Comments (N/A)**Recommendation (N/A)**

FGC staff: (A) Adopt the staff recommendations as reflected in Exhibit A1.

Exhibits

- A1. [Summary of non-regulatory requests and staff recommendations for requests received through Aug 18, 2021](#)
- A2. [Petition from Patricia McPherson \(being processed as a non-regulatory request\) requesting FGC revisit the rulemaking documentation for the designation of Ballona](#)

STAFF SUMMARY FOR OCTOBER 14, 2021

[Wetlands Ecological Reserve to emphasize its freshwater nature, received Jun 14, 2021 and additional supporting documentation, received Aug 2, 2021](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for action on the October 2021 non-regulatory requests.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for action on the October 2021 non-regulatory requests, except for item(s) _____ for which the action is _____.

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

[illegible]



Tracking Number: (2021-010_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Grassroots Coalition, Patricia McPherson

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

Grassroots Coalition is a nonprofit public interest environmental organization that has long worked (30 years) to protect Ballona Wetlands and was instrumental in the fact finding, working with the Los Angeles Department of Building & Safety, which brought about a willing seller, PLAYA CAPITAL LLC, as the City of LA determined that no residential building should occur west of Lincoln Blvd. due to the underlying potential hazards of SoCalGas/ Playa del Rey. Grassroots Coalition is dedicated to the protection of species and their habitats through science, policy and environmental law.

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Title 14, pursuant to sections 1580, 1581, 1584 of the Fish and Game Code and to implement, interpret or make specific sections 1580-1585 and 1600-1603 of said Code, and per Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve. And, Fish & Game Code 703 (a), 703.3, 101.5, 108€, 64, 89.1 in compliance with 13050 Water Code. And, per Section 630 as cited by Commission in 2005—pursuant to the authority vested by the Fish & Game Code additional Sections 1526, 1528, 1530, 1590, 1591 & 1901.

3. Overview (Required) - Summarize the proposed changes to regulations: Amend language of Section 630, Title 14 CCR, prepared for Ballona Wetlands and its inclusion as an Ecological Reserve, for the purpose of clarification of its historical ecological function not known at the time of its inclusion under Section 630 but subsequently became known via Historical Ecology of the Ballona Creek Watershed by Travis Longcore, Eric Stein, Darko et al. And, per the availability of the 1959 Poland et al Report; Congressional House Document 389. (1. a., b. LINK 4.) The proposed language



change would include / emphasize protection to Ballona's freshwater and its underlying freshwater aquifers. (Department of Water Resources Map, Silverado, Bellflower and Ballona aquifers-LINK attached)

This proposed amendment is intended to clarify, implement and make specific the BWER (Section 630) language per freshwater to ensure evaluation for protection purposes takes place as was ordered by the Fish and Game Commission via Section 630 language and via Commission implementation codes, and implemented as is currently understood per the Groundwater Sustainability Act (Governor Executive Order N-10-19; Sustainable Groundwater Management Act).

GROUNDWATER DEPENDENT ECOSYSTEMS: ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface. [23 CCR § 351(m).]

Including 23 CCR 354.16(g); 23 CCR 351(o), and impacts to Water Code 10727.4(l); 10721(x)(6).

Ballona Wetlands is a groundwater dependent ecosystem. (Poland et al; Congressional House Document 389, creation of Marina del Rey; Playa Vista Phase 1 EIR (LINKS provided below)

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

Section 630, Title 14, California Code of Regulations pertaining to Ballona Wetlands Ecological Reserve pursuant to Fish & Game Code-

§ 1584. "Ecological reserve"

As used in this article, "ecological reserve" means land or land and water areas that are designated as an ecological reserve by the commission pursuant to Section 1580 and that are to be preserved in a natural condition, or which are to be provided some level of protection as determined by the commission, for the benefit of the general public to observe native flora and fauna and for scientific study or research.

HISTORY:

Added Stats 1968 ch 1257 § 1 Amended Stats 1985 ch 635 § 2 Stats 1993 ch 667 § 2 (AB 521)



TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530, 1580–1585, 1590 and 1591 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

The reasons for listing this property in Title 14 are



...”Since the property contains sensitive species, including a state endangered species, sensitive species, sensitive vegetation communities, and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources.” (BWER Section 630)

The regulatory language of BWER also goes on to add Department of Fish & Wildlife actions which are intended to ONLY PROVIDE ADDITIONAL LEVELS OF PROTECTION and not less.

§ 703. General policies; Response to requests

(a) General policies for the conduct of the department shall be formulated by the commission. The director shall be guided by those policies and shall be responsible to the commission for the administration of the department in accordance with those policies.

This action is sought to ensure the responsibilities of the Fish & Game Commission and administration and implementation of its language and policies of Section 630 on behalf of Ballona Wetlands Ecological Reserve are carried out as written and intended.

Based upon the current Ballona Wetlands Ecological Reserve Section 630 language of “protection and enhancement of coastal salt marsh and **freshwater** marsh habitats,...”, the California Department of Fish & Wildlife (CDFW) has failed to adhere to this specific language under the California Code of Regulations. Throughout the Environmental Impact Report evaluations of Ballona Wetlands for its restoration, CDFW failed to include evaluations to 1) understand the hydrology of Ballona Wetlands, and 2) include information pertaining to readily available knowledge of potential and ongoing harm to those freshwater resources, and 3) has failed to provide measures designed to protect the freshwater resources of Ballona Wetlands. Instead, CDFW has aided in the harm to Ballona’s freshwater resources by having failed to acknowledge, be publicly transparent about, and/or failed to willingly stop harmful dewatering of Ballona Wetlands Ecological Reserve. Example: Grassroots Coalition v Playa Vista and CDFW. This lawsuit was brought by Grassroots Coalition as a result of inaction on the part of CDFW to willingly seal two unpermitted drains in the Reserve. Repeated letters citing violations of the Coastal Act from the California Coastal Commission(CCC) Enforcement Branch to Playa Vista and CDFW, citing the drains as unpermitted and harming the hydrology of the wetlands, CDFW failed to respond and/or be responsive to requests for sealing the drainage areas.(CCC letters included Letter of 4/11/14 to Playa Vista, CDFW)

Grassroots Coalition (GC) subsequently litigated against both Playa Vista and CDFW, and prevailed which gave rise to the California Coastal Commission enforcement of ‘capping the two unpermitted and harmful drainage areas in the Reserve. The outcome of the sealing of the drains has been freshwater ponding returning seasonally to this area of the Reserve and has allowed for expansive growth of pickleweed throughout the area that is significant due to the need of Belding’s Savannah Sparrow habitat expansion (a state listed endangered species dependent upon large swaths of pickleweed for nesting.)(images of before/after are included via Dr. Margot Griswold, restoration ecologist; u tube 4/20/21 Margot Griswold Phd Presents Ballona Wetlands FEIR Inconsistency and Overlooked Opportunities)

As determined via Historical Ecology of the Ballona Creek Watershed- Travis Longcore Phd et al,



Ballona Wetlands is a predominantly closed to the ocean, predominantly seasonal freshwater system which includes salt pans, uplands, rare grasslands and man made openings to the Ballona Channel. Typically, seasonal rainwater ponding can last for months on Ballona Wetlands (Terry Huffman Phd 1986 USEPA , Region IX, Determination of the Presence of Aquatic and Wetland Habitats Subject to Federal Regulatory Jurisdiction Within The Ballona Creek Land Tract) which, in part percolates into the watershed of Ballona and its underlying freshwater aquifers: Silverado at the base, Bellflower and Ballona which act as one throughout (DWR Map 1961 & CDM 1998) and the freshwater table is at or near surface (Playa Vista EIR Phase 1, 1990). The freshwater is classified by the Los Angeles Regional Water Quality Control Board as Potential Drinking Water, and in a recent Prop. 65 court decision was classified as Drinking Water for purposes of remediation ordered upon SoCalGas/ Playa del Rey underground gas storage operations.

§ 703.3. Resource management decision-making

It is the policy of the state that the department and commission use ecosystem-based management informed by credible science in all resource management decisions to the extent feasible. It is further the policy of the state that scientific professionals at the department and commission, and all resource management decisions of the department and commission, be governed by a scientific quality assurance and integrity policy, and follow well-established standard protocols of the scientific profession, including, but not limited to, the use of peer review, publication, and science review panels where appropriate. Resource management decisions of the department and commission should also incorporate adaptive management to the extent possible.

CDFW has failed to include any hydrology evaluations in order to protect the underlying freshwater aquifers from potential harm. The force of law per the CCR Title 14, Section 630 for Ballona Wetlands Ecological Reserve has been ignored and needs to have adherence.

The United States Fish & Wildlife Service (USFWS) utilizing its jurisdiction over Ballona Wetlands Ecological Reserve, has made clear, in both response comments to the Ballona DEIR and in the letter attached, their concerns related to protection of freshwater marsh aspects of Ballona Wetlands Ecological Reserve as well as the protection to the freshwater of Ballona Wetlands Ecological Reserve.

Per the Code cited below it would be appropriate for the Commission to advance, in any manner it has at its avail, to implement via the Department of Fish & Wildlife or itself, to work with pertinent agencies and departments (ie. The City/County of Los Angeles and Los Angeles Regional Water Quality Control Board (LARWQCB) and the Department of Water Resources (DWR)) in order to further the protection of the freshwater resources of Ballona Wetlands Ecological Reserve.



§ 703.3. Resource management decision-making

It is the policy of the state that the department and commission use ecosystem-based management informed by credible science in all resource management decisions to the extent feasible. It is further the policy of the state that scientific professionals at the department and commission, and all resource management decisions of the department and commission, be governed by a scientific quality assurance and integrity policy, and follow well-established standard protocols of the scientific profession, including, but not limited to, the use of peer review, publication, and science review panels where appropriate. Resource management decisions of the department and commission should also incorporate adaptive management to the extent possible.

Under Article 4. Ecological Reserves; 1580 provides for the Ca. Fish & Game Commission To:

The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves. The ecological reserves shall not be classified as wildlife management areas pursuant to Section 1504 and shall be exempt from Section 1504.

§ 1581. Acquisition to be in name of state; Governing rules and regulations

Any property acquired in fee for ecological reserves shall be acquired in the name of the state, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as ecological reserves

Attachments:

1. California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663 Ballona Wetlands Ecological Reserve

https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG%2020-Z_5.20.05_notice.pdf

2. California Fish & Game Code

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178840&inline> Ca. Fish & Game Code

3. DWR AQUIFER MAP 1961/ CDM 1998 , scroll to 1. (c)

<https://saveballona.org/jvstop-drying-out-ballona-wetlands-ecological-reserve-stop-playa-vistas-confiscation-and-throw-away-ballonas-freshwater-resources.html>

4. Poland Report; Congressional House Document 389 are in the LINK above at 1. a., b. respectively.

5. As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW ... draining Ballona is harmful to the ecosystem:](#)



USFWS LETTER 2021 June- Christine Medak-

-----Original Message-----

From: Medak, Christine <Christine_Medak@fws.gov>

To: lori.webber@waterboards.ca.gov <lori.webber@waterboards.ca.gov>

Cc: patriciamcpherson1@verizon.net <patriciamcpherson1@verizon.net>

Sent: Mon, Jun 7, 2021 2:53 pm

Subject: Fw: [EXTERNAL] Fwd: Santa Monica Basin Groundwater Sustainability Plan (GSP) Stakeholder Workshop June 2021 Invite

Hi Lori,

Do you know if there have been or are planned to be any groundwater management plans developed for the area including the Ballona Ecological Reserve? I am not able to respond to this question because I have not previously been involved in groundwater planning. If you are not the appropriate contact, can you please refer me to a contact within your agency that can provide some information on how this type of planning effort is typically initiated? I agree that Ballona wetlands would benefit from additional freshwater that is currently diverted to sanitary sewers or directly to Ballona Channel (through an underground culvert).

Christine L. Medak
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

I am currently working from home indefinitely. Please contact me via email.



https://saveballona.org/system/files/TR_671_UrbanWildLands.Org.resources-Ballona_Historical_Ecology.pdf

<https://www.youtube.com/watch?v=avpCqRoEbdc> 4/20/21 Margot Griswold Presents Ballona Wetlands FEIR Inconsistency & Overlooked Opportunities (30:28 Timecode setting for images of pre-sealed drains and post-sealed unpermitted drains.

SECTION II: Optional Information

5. **Date of Petition:** June 14, 2021

6. **Category of Proposed Change**

☐ Sport Fishing

☐ Commercial Fishing

☐ Hunting

x Other, please specify: Amend Section 630, Title 14, CCR

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

x Amend Title 14 Section(s): Section 630 Ecological Reserve Ballona Wetlands |

☐ Add New Title 14 Section(s): [Click here to enter text.](#)

☐ Repeal Title 14 Section(s): [Click here to enter text.](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or X Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency:

An exigency exists for implementation of the protection of Ballona Wetlands Ecological Reserve's freshwater resources as they are currently in jeopardy of degradation and loss due to waste of clean, fresh groundwater pumping and diversion by Playa Vista to both the ocean and the Los Angeles Sanitary Sewer System. The Ballona Conservancy has oversight of this freshwater diversion and CDFW states that it is a board member of this Conservancy however, CDFW as a board member, has failed to stop the waste and throwaway of this freshwater formerly available year-round to the Reserve. Thus, Grassroots Coalition requests this Petition be approved to provide **for implementation by the Fish & Game Commission** and for clarification to and enforcement from CDFW per Section 630, Title 14, CCR for the purpose of protecting Ballona Wetlands Ecological Reserve, its freshwater including the freshwater aquifers.



California Fish & Game Commission- created by Section 20 of Article IV of the Constitution.

-And, per decisions made by the Fish and Game Commissioners under Ca. Fish & Game Code

101.5in relevant part- ..'the Commission makes complex public policy decisions and biological decisions on behalf of the people of California. '

-And, per Section 630 BWER protection to its freshwater as **implementation of regulations and policies** are provided for in California Fish & Game Code 108 (e) :

(e) A commissioner shall preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its regulations and policies.

- And, per Ca. Fish & Game Code 64. Order, Rule, Regulation are terms used interchangeably and each includes the other.

-And, that the 630 BWER protections include its freshwater marshes, that would include direction from Ca. Fish & Game Code 89.1 Waters of the State as in compliance with Section 13050 of the Water Code.

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: see attachments, LINKS above.

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: None known

12. Forms: If applicable, list any forms to be created, amended or repealed:

None known

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (Rev 06/19) Page 10 of 10

☐ Denied - same as petition

Tracking Number

☐ Granted for consideration of regulation change

From: patricia mcpherson <[REDACTED]>
Sent: Monday, August 2, 2021 5:24 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Jeanette Vosburg <[REDACTED]>; Todd T. Cardiff Esq. <[REDACTED]>
Subject: Grassroots Coalition Petition Ballona Wetlands Ecological Reserve CAL SPAN historical data of August 10, 2005 Fish & Game Commission approval as ER



Dear FGC,

Please include the information included herein as background for the Petition request sent by Grassroots Coalition pertaining to the
Section 630, Ecological Reserve, Ballona Wetlands Ecological Reserve.

- C SPAN Fish & Game Commission Meeting August 10, 2005

This meeting discusses the approval of the Ecological Reserve status conferred upon Ballona Wetlands.

a) CDFW's Terri Stewart affirms that money has been released by the State Coastal Conservancy (\$15 million) for the restoration planning for Ballona Wetlands.

b) CDFW's Terri Stewart cites that once approved as an ER then CDFW would proceed to performing a Land Management Plan (LMP). (Approximately 3:43:10 and on)

No LMP has been produced for Ballona Wetlands Ecological Reserve which would have utilized the Purpose and Goals as stipulated for the acquisition of Ballona

Wetlands. And, the EIR for Ballona does not use the Purpose and Goals of the Fish & Game Commission 630 language for Ballona as the premise of the EIR.

CAL SPAN- California Fish & Game Commission Meeting of August 10, 2005. (Ballona Wetlands' designation as an Ecological Reserve is approved.)

<https://cal-span.org/unipage/?site=cal-span&owner=CFG&date=2005-08-19&mode=large>

CDFW's Terri Stewart states at approximately 3:43:10 and thereafter, that the State Coastal Conservancy has just released 15 million dollars for Ballona's restoration planning and that per the approval of the Ecological Reserve designation on this day, then a Land Management Plan would follow the next.

Therefore, the video establishes the available money and an acknowledgement of the performance start for a Land Management Plan.

However, since this timeframe no LMP has been performed for the Ballona Wetlands Ecological Reserve and the Purpose and Goals of the Section 630 ER language. Hence, the leading language for the Land Management Plan, the Purpose and Goals has not been utilized and/or had adherence. Similarly, the EIR does not lead with the Purpose and Goals of the Section 630 ER language as is normal for EIRs for Ecological Reserves.

It is abundantly clear that Ecological Reserves are acquired via the Wildlife Conservation Board and given Section 630 entry and protective status via the Fish & Game Commission.

It is abundantly clear that Ecological Reserves are to adhere to the Section 630 language in both the Land Management Plan and any/all subsequent EIRs.

Ballona Wetlands Ecological Reserve was provided with no such adherence to the Section 630 language and instead, no Land Management Plan has been performed. Additionally, the EIR language leads with contrary language to the Section 630 Purpose and Goals for acquisition of Ballona Wetlands Ecological Reserve ('restoring the ebb and flow of the ocean'), with the FEIR preferred alternative promoting a goal of creation of a full tidal bay which was not sanctioned by the Section 630 language of the Fish & Game Commission.

Neither the public approved bond dollars nor the Ballona Wetlands Ecological Reserve's Section 630, Purpose and Goals language for Ballona's acquisition and management envisioned the destruction and replacement of the unique ecosystems of freshwater marshes, salt pans and upland wildlife corridors, underlain by freshwater aquifers into instead, conversion to a full tidal bay.

By way of comparison, had full tidal been the intended directives from the Fish & Game Commission then that would have been clearly stated in the Purpose and Goals of acquisition (Section 630 language) as it was clearly stated in other Ecological Reserves such as Batiquitos Lagoon ER Section 630 Purpose and Goals for acquisition.

The Fish & Game Commission has authority to clarify, amend, enforce via various means, to ensure the Section 630, Purpose and Goals language of the Ballona Wetlands Ecological Reserve has adherence to the language and process—including a Land Management Plan for the ER boundaries. The boundaries of the Ballona Wetlands Ecological Reserve do not include the County and USACE owned/maintained Ballona Flood Control Channel. The Department of Fish & Wildlife does have jurisdiction over the 'freshwater marsh system' via their acknowledgement of being a member to the Board of Ballona Conservancy (Playa Vista) as well as via the 1603 Streambed Agreement with Playa Vista.

Thank you for your time of review of this additional information,
Patricia McPherson, Grassroots Coalition

From: patricia mcpherson <[REDACTED]>

Sent: Tuesday, July 27, 2021 1:52 PM

To: FGC <FGC@fgc.ca.gov>

Cc: [REDACTED]

Subject: Petition Ballona Wetlands Ecological Reserve ...additional data- CDFW Land Management Plan - South Coast Region



Good Afternoon FGC,

Please add and consider the additional Wildlife Conservation Board directive and information to the Grassroots Coalition Petition RE: Title 14, Section 630 Ballona Wetlands Ecological Reserve.

Grassroots Coalition's submission of additional information on July 21, 2021 included Public Record Act requests to CDFW per Ballona Wetlands Ecological Reserve and a Land Management Plan.

Today-July 27, 2021

Please include in your response an explanation as to how the following response from Mr. Brody comports with the Wildlife Conservation Board's directive for performance of a Land Management Plan for Ballona Wetlands Ecological Reserve. Clearly, the legislature did appropriate publicly approved bond funds for studies per Ballona Wetlands Ecological Reserve including but not limited to Prop. 12 funding that explicitly included evaluation funding.

CDFW has recently received another \$2 million from the State Coastal Conservancy in public funds/Prop.12 for redoing another flood control study after 2 inaccurate studies (wasting \$4 mill of public funds already) for an area that includes a flood control channel that is NOT part of the Ecological Reserve...namely the County/Federal property that is Ballona Flood Control Channel.

Currently, there is no demonstration of any agreements and/or approvals by either USACE or the County of Los Angeles to either support the CDFW FEIR preferred plan and/or provide any funding for such plan's evaluation.

It does appear, as shown below, that the Wildlife Conservation Board directed a Land Management Plan to be performed for Ballona Wetlands Ecological Reserve but none was done. Additionally the timeframe for completion of a LMP per Fish & Game Code section 1019 also demonstrates that an LMP is past due per the LMP directive included below.

Thank you for your attention to these matters of great PUBLIC TRUST concern and importance,
Patricia McPherson, Grassroots Coalition

From: Brody, Richard@Wildlife [<mailto:Richard.Brody@wildlife.ca.gov>]
Sent: Tuesday, July 20, 2021 12:04 PM
To: Todd T. Cardiff, Esq.
Subject: RE: Draft or Final Management Plan for Ballona Wetlands Ecological Reserve

Greetings Mr. Cardiff,

Thank you for your inquiry.

The state legislature did not provide money to prepare a land management plan for the Ballona Wetlands Ecological Reserve. The Department intends to develop a land management plan for public review as funding is available to complete and process one.

Brody

R.C. Brody (he/him)

Land Manager, Ballona Wetlands Ecological Reserve
California Department of Fish and Wildlife
P.O. Box 1653 Topanga, CA 90290
(o) 310-455-3243



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3. CDFW Land Management Plan - South Coast Region

CDFW Land Management Plan - South Coast Region

Summary

SCH Number

2019110462

Public Agency

California Department of Fish and Wildlife, Habitat Conservation Planning (CDFW)

Document Title

CDFW Land Management Plan - South Coast Region

Document Type

NOE - Notice of Exemption

Received

11/22/2019

Posted

11/22/2019

Document Description

The proposed project will complete and deliver a land management plan for the CDFW Land Management Plan-South Coast Region.

Contact Information

Name

John P. Donnelly

Agency Name
Department of Fish and Wildlife Conservation Board
Contact Types
Lead/Public Agency
Address
[PO Bpx 944209-2090](#)
[Sacramento, CA 95814](#)
Phone
(916) 445-0137

Location

Cities
see attached NOE
Counties
Los Angeles, Riverside, San Diego
Other Location Info
Boden Canyon Ecological Reserve (ER), city of Escondido; Ballena Wetlands ER, city of Los Angeles;
Batiiquitos Lagoon ER, City of Carlsbad; Hollenbeck Canyon Wildlife Area, community of Jamul, and Oak
Grove Unit of San Felipe Valley Wildlife Area.

Notice of Exemption

Exempt Status
Statutory Exemption
Type, Section or Code
15262
Reasons for Exemption
Section 15262 Feasibility and Planning Studies - A project involving only feasibility or planning studies for
possible future actions, which the board has not approved, adopted, or funded.

Attachments

Notice of Exemption

[2019110462 CDFW Lamd](#) [PDF](#) [724 K](#)

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From: patriciamcpherson1@verizon.net <[REDACTED]>
Sent: Wednesday, July 21, 2021 12:30 PM
To: FGC <FGC@fgc.ca.gov>
Cc: todd@tcardiffllaw.com; [REDACTED]
Subject: Grassroots Coalition Petition per 630/ Ballona Wetland Ecological Reserve; QUERY- Draft or Final Management Plan for Ballona Wetlands Ecological Reserve



Good Morning FGC,

Please add and consider the following information per:

Additional Information For Grassroots Coalition Petition RE: Title 14, Section 630 Amendment to Ballona Wetlands Ecological Reserve.

CDFW has failed to adhere to the Title 14, Section 630 Purpose and Goals as cited by the Fish & Game Commission and has not adhered to the Fish & Game Commission's Section 630, Purpose and Goals as leading guidance on a Land Management Plan per Section 1019, or as necessarily providing the leading guidance of Purpose and Goals for CEQA evaluation.

The following Public Record Act requests and CDFW response is, unfortunately, typical of, and a red flag indicator as to how CDFW communicates with the public regarding Ballona Wetlands Ecological Reserve. Virtually everything the public learns from CDFW regarding Ballona is not through open and respectful discussions and meetings as cited in the FEIR for Ballona Wetlands Ecological Reserve. Instead communication is overwhelmingly via Public Record Act requests where one attempts to craft questions that will compel meaningful response. Below, is but one more example of 'tooth pulling' as one tries to garner an understanding of Fish & Game Commission's Section 630 authority and Ca. Code section 1019 and its relationship with how CDFW has managed and/or mismanaged Ballona Wetlands Ecological Reserve. The public should not need to work this hard, to work with agencies to which the public has, in good faith, provided millions of dollars as 'legislative' funding for both acquiring Ballona Wetlands and provided for studies and restoration.

That said, the following Public Record Act request response from Mr. Brody, on behalf of CDFW, while not providing a meaningful response, also creates a great deal of confusion as to what he is talking about. And, what and why was over \$2 million in public dollars, that was appropriated via the legislation of the Prop. 12 bond funds, just given (2021) to CDFW by the California Coastal Conservancy--the financial gate keepers of the legislatively acquired

bond funds from the public? Why was this money not assigned to a very long overdue Section 1019 LAND MANAGEMENT PLAN for Ballona Wetlands Ecological Reserve?

Neither when the Ecological Reserve status was assigned to Ballona by the Fish & Game Commission (2004) was the timeline enforced per Section 1019, nor when CDFW became lead agency in 2012 was any timeline enforced per Section 1019 for a LAND MANAGEMENT PLAN performed under the auspices of the Fish & Game Commission's Purpose and Goals for Ballona Wetlands Ecological Reserve. Legislatively acquired funding was and remains available as Proposition 12 money which has never been used or requested for use by CDFW per Section 1019 as is normal fare for Title 14, Section 630 Ecological Reserves to have performed.

In effect, the public paid \$140 million, for the Ballona Wetlands Ecological Reserve and it received the highest protective status of an Ecological Reserve by the Fish & Game Commission's Purpose and Goals(2004). Millions more in public bond funds, via Prop 12, simultaneously also provide funding for studies and restoration of Ballona Wetlands Ecological Reserve. Studies and restoration goals were to adhere to the Purpose and Goals as set forth by the Fish & Game Commission's Section 630 protective language for Ballona Wetlands. The Section 630 language was also in sync with the bond language for both acquisition, study and restoration.

Because, the Section 630 language of Purpose and Goals for protecting Ballona Wetlands Ecological Reserve has not been implemented by CDFW in either a LAND MANAGEMENT PLAN or in a CEQA (EIR) Purpose and Goals, this Petition seeks to amend the Section 630 language to clarify and provide greater specificity to align the Purpose and Goals of the Section 630 language for Ballona Wetlands Ecological Reserve, for its CEQA- EIR and a Section 1019 Land Management Plan and for any/all Groundwater Dependent Ecosystem studies for which funding is also available.

The noncompliance of CDFW to the Section 630 language has created a violation of the Coastal Act for having caused harm to Ballona Wetlands Ecological Reserve's hydrology as cited by the California Coastal Commission. CDFW noncompliance has led to, what appears to be a recent,(2021) misappropriation of public bond funds (\$2 million plus) given to CDFW for yet another hydraulics study of the Ballona Channel. (The first two failed studies have already been acknowledged by CDFW for a loss of \$ 4 million in public funds). The current CDFW FEIR Plan for Ballona has also been acknowledged as cause of loss of Belding Savannah Sparrow habitat within the next 30 years, due to sea level rise destruction of pickle weed nesting habitat. Failure to protect the freshwater marsh aspects of Ballona and the failure to protect Belding Savannah Sparrow habitat are both in direct contradiction to the Fish & Game Commission's Purpose and Goals for Ballona Wetlands Ecological Reserve.

The Ballona Wetlands Ecological Reserve, Section 630 language also comports with the 2014 Governor's Order under the Sustainable Groundwater Management Act and attendant Biodiversity Act both of which are part of protection of Ballona as a Groundwater Dependent Ecosystem. Ballona Wetlands Ecological Reserve has now been acknowledged as having been left out of Groundwater Sustainability Planning(GSP) for the Santa Monica Basin. The GSP planners now acknowledge Ballona as a Groundwater Dependent Ecosystem and thus the need for its inclusion in the Groundwater Sustainability Planning studies.

It is time for CDFW to adhere to the Title 14, Section 630 Purpose and Goals for protecting Ballona and its freshwater marsh aspects and the endangered species, the Belding's Savannah Sparrow and its native nesting habitat--pickleweed.

Thank you for your attention to these matters of great PUBLIC TRUST importance,
Patricia McPherson, Grassroots Coalition

CCC LETTER LINK:

As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW ... draining Ballona is harmful to the ecosystem](#)

-----Original Message-----

From: Todd T. Cardiff, Esq. <todd@tcardifflaw.com>

To: 'Brody, Richard@Wildlife' <Richard.Brody@wildlife.ca.gov>

Cc: 'Gary E. Tavetian' <Gary.Tavetian@doj.ca.gov>; John Sasaki <John.Sasaki@doj.ca.gov>

Sent: Tue, Jul 20, 2021 1:19 pm

Subject: RE: Draft or Final Management Plan for Ballona Wetlands Ecological Reserve

Mr. Brody,

I have CC'd CDFW's trial counsel as well.

I am now interested in knowing whether you, personally, as the manager of BWER, were aware of the requirements of Fish and Game Code section 1019.

1. Please provide any and all documents that demonstrate an attempt by CDFW to comply with Fish and Game Code section 1019 as applied to the Ballona Wetlands Ecological Reserve (BWER) , including any and all requests to the legislature to provide funding for the BWER.
2. Please provide any and all documents which discuss an interest in preparing a land management plan for BWER.
3. Please provide any and all documents which discuss the lack of funding for preparing a Land Management Plan for BWER.
4. Please provide any and all emails either received or sent by you (Richard Brody) discussing, relating to, or referring to Fish and Game Code section 1019.
5. Please provide any and all lists CDFW has sent to the legislature since January 1, 2002, in compliance with Fish and Game Code section 1019(b), regardless of whether such lists mention the Ballona Wetlands.

Please consider this a Public Records Act request under Gov. Code section 6250. Please respond within 10 days. (Gov. Code section 6253.) Please forward this PRA request to the appropriate personnel. (Gov. Code 6253.1.) I look forward to hearing from you.

Todd T. Cardiff, Esq.
LAW OFFICE OF TODD T. CARDIFF
1901 First Avenue, Ste. 219
San Diego, CA 92101
Tel: (619) 546-5123
Fax: (619) 546-5133

The information contained in this email message is intended only for the personal and confidential use of the recipient(s) named above. This message is an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by email, and delete the original message.

From: Brody, Richard@Wildlife [<mailto:Richard.Brody@wildlife.ca.gov>]
Sent: Tuesday, July 20, 2021 12:04 PM
To: Todd T. Cardiff, Esq.
Subject: RE: Draft or Final Management Plan for Ballona Wetlands Ecological Reserve

Greetings Mr. Cardiff,

Thank you for your inquiry.

The state legislature did not provide money to prepare a land management plan for the Ballona Wetlands Ecological Reserve. The Department intends to develop a land management plan for public review as funding is available to complete and process one.

Brody

R.C. Brody (he/him)
Land Manager, Ballona Wetlands Ecological Reserve
California Department of Fish and Wildlife
P.O. Box 1653 Topanga, CA 90290
(o) 310-455-3243



From: Todd T. Cardiff, Esq. <todd@tcardifflaw.com>
Sent: Monday, July 12, 2021 10:44 AM
To: Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>; 'Gary E. Tavetian' <Gary.Tavetian@doj.ca.gov>; John Sasaki <John.Sasaki@doj.ca.gov>
Subject: Draft or Final Management Plan for Ballona Wetlands Ecological Reserve

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello Mr. Brody,

I have CC'd the litigation attorneys in this email.

I am interested in knowing whether a Draft or Final Management Plan has ever been prepared for the BWER in compliance with Fish and Game Code section 1019? (See Also Assembly Bill 1414 (Dickerson – 2002). If so, can you please provide the original Draft Management Plan that was prepared? A Management Plan was supposed to be prepared with 18 months of acquisition of the BWER. (Fish and Game Code 1019(a).) Please consider this a request under the Public Records Act. (Gov. Code section 6250 et. seq.)

Todd T. Cardiff, Esq.
LAW OFFICE OF TODD T. CARDIFF
1901 First Avenue, Ste. 219
San Diego, CA 92101
Tel: (619) 546-5123
Fax: (619) 546-5133

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From: [REDACTED] <[REDACTED]>
Sent: Tuesday, July 13, 2021 11:06 AM
To: FGC <FGC@fgc.ca.gov>
Cc: todd@tcardifflaw.com <todd@tcardifflaw.com>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>
Subject: Grassroots Coalition Petition Fish & Game Commission--Ballona Wetlands Ecological Reserve--
Additional Information LINK ADDED

Good Morning FGC,

PLEASE NOTE Number 2. below, Grassroots Coalition has added a link to the Burton Mesa Ecological Reserve's Land Management Plan (LMP) for easy informational purposes in our Petition Request for Ballona Wetlands Ecological Reserve. The link was inadvertently dropped from the previous July 12, 2021 email (Additional Petition Information) from Grassroots Coalition. The LMP for Burton Mesa Ecological Reserve appears to demonstrate the Land Management Plan, as both separate and distinct from the CEQA review (to which the LMP is added as an additional resource in the index) but also demonstrates the reassertion of, and adherence to the Title 14, Section 630 Purpose/goals and Description/ what/why/how of inclusive evaluations per the Section 630 ER language dictated by the Fish & Game Commission--the PURPOSE of the LMP.
And, the purpose to which the CEQA evaluations were to include, but did not for Ballona Wetlands Ecological Reserve.

Thank you,
Patricia McPherson, Grassroots Coalition

-----Original Message-----
From: patricia mcpherson <[REDACTED]>
To: fgc@fgc.ca.gov
Cc: Todd T. Cardiff Esq. <todd@tcardifflaw.com>; Griswold Margot <[REDACTED]>;
[REDACTED]; chiefrbwife <[REDACTED]>; Rex Frankel <[REDACTED]>;
Kathy Knight <[REDACTED]>
Sent: Mon, Jul 12, 2021 1:48 pm
Subject: Grassroots Coalition Petition Fish & Game Commission--Ballona Wetlands Ecological Reserve--
Additional Information



ATTENTION FGC: ADDITIONAL INFORMATION FOR GRASSROOTS COALITION PETITION RE: Ballona Wetlands ECOLOGICAL RESERVE

FGC please add and include the following information re:

Additional Information for the Grassroots Coalition Petition for Amending Fish and Game Commission's Title 14, Section 630 Ecological Reserve language for purposes of clarity and/ or guidance/ directive authority from the California Fish & Game Commission to CDFW pertaining to Ballona Wetlands Ecological Reserve. This Petition seeks amendments to clarify to the California Department of Fish & Wildlife, the Fish & Game Commission's Purpose and Descriptions/ Goals for management protection of the Ballona Wetlands Ecological Reserve's freshwater marsh aspects and attendant freshwater/groundwater dependent ecosystem inclusive of the endangered species—Belding's Savannah Sparrow and its explicit habitat needs as cited in the Commission's Title 14, Section 630 language.

Two examples are provided below that merit the authority input (inclusive of adding regulatory language in general rules and/or regulations for clarification of monitoring and/or evaluation under the Sustainable Groundwater Management Act; Clean Water Act etc.) by the Fish & Game Commission that Grassroots Coalition believes serve as models for applicable circumstances to Ballona Wetlands Ecological Reserve and the Fish & Game Commission's ability to provide authoritative guidance to CDFW pertaining to Title 14, Section 630 status amendments requested in the Grassroots Coalition Petition.

1. Unresolved Issues and Potential Options for the Integrated Preferred Alternative... needing clarity and/or guidance/ recommendations from the Fish & Game Commission.

As in the Marine Life Protection Act (MPA) examples provided in the following Department of Fish and Game Report below, Grassroots Coalition believes numerous unresolved issues that require clarification and /or guidance from the Fish and Game Commission similarly exist for Ballona Wetlands Ecological Reserve (BWER).

The BWER has been determined to be a Groundwater Dependent Ecosystem (GDE) per the Sustainable Groundwater Management Act (SGMA) and is located in the Groundwater Sustainability Planning (GSP) area known as the Santa Monica Basin. The ongoing GSP is now seeking information to include that pertains to BWER as a GDE. CDFW has not yet addressed BWER per the SGMA and/or Ballona Reserve as a Groundwater Dependent Ecosystem. This data gap is but one unresolved issue category. And, similar to the broad categories listed below for other Ecological Reserves that the Fish & Game Commission has authority for clarification and/or guidance to CDFW, Grassroots Coalition believes the Fish & Game Commission has similar authority for Ballona Wetlands Ecological Reserve.

https://dfg.ca.gov/mlpa/pdfs/scmpas_report_030310.pdf.

2. https://dfg.ca.gov/mlpa/pdfs/scmpas_report_030310.pdf

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84926>
2007 /LMP by Condor Environmental

Burton Mesa Ecological Reserve

The following are typical headers for an Ecological Reserve's LAND MANAGEMENT PLAN, prepared by the CDFW and per the Purpose and Description OF THE TITLE 14, Section 630 directives by the Fish & Game Commission on any Ecological Reserve.

Purpose of and History of Acquisition

Purpose of This Management Plan

Property Description

- Geographical Setting
- Property Boundaries and Adjacent Lands
- Geology, Soils, Climate, Hydrology
- Cultural Features

Habitat and Species Description

Management Goals and Environmental Impacts

Operation and Maintenance Summary

Climate Change Strategies

Future Revisions to Land Management Plans

References

APPENDICES:

Legal Description of Property

Plant Species with Potential to Occur in Vicinity of Ecological Reserve

Animal Species with Potential to Occur in Vicinity of Ecological Reserve

Environmental Review (CEQA)

Public Comments and Department Responses

Ballona Wetlands ECOLOGICAL RESERVE was not provided a LAND MANAGEMENT PLAN (LMP) by CDFW. CDFW became the sole authority over the Ecological Reserve habitat per the boundary assignment from 2004/5 by the Fish & Game Commission. Why was no LMP performed by CDFW per CA Fish & Game Code 1019?

The CURRENT PETITION REQUESTS AMENDMENT to also provide for adherence to the Purpose and recognition of the importance of the description (description = management objectives at this property) of what is to be preserved and how/why as is provided for other Ecological Reserves in both the Fish & Game Commission Title 14, Section 630 language and any/all subsequent Land Management Plans inclusive of CEQA Reports. Such Land Management Plans necessarily include the Fish & Game Commission Purpose and Description as the leading intent within the CEQA language. Purpose is provided by the Fish & Game Commission to guide management of habitats, species, and programs to achieve the goals of the Fish & Game Commission's Purpose for assigning Section 630 status upon an Ecological Reserve.

Without such Management Plan, the Fish & Game Commission's Purpose and Directives for protection to Ballona Wetlands Ecological Reserve have been left out of any Management Plan and left out of any attached CEQA review. This is the case with Ballona Wetlands Ecological Reserve.

Amendments to the Title 14, Section 630 language could include clarification of the current description by way of additional language for the current protective language to the freshwater marsh aspects of Ballona as has been applied in other Ecological Reserve descriptions such as 'To protect the Ballona freshwater sources which necessarily include protection to the water supply, quality, and quantity as it is critical in maintaining the necessary habitat for the Belding's Savannah Sparrow (pickle weed habitat and endangered bird) cited already in the Ballona

Description MANAGEMENT OBJECTIVE LANGUAGE. <https://wildlife.ca.gov/Lands/Planning/CCR-Sec-630-b-63-ER>

Acknowledgement of the **lack of fulfillment** of providing for the Title 14, Section 630 language denoting Purpose/ Description of freshwater marsh protection, a key part of the Purpose and Directives (description) of the 630 status given by the Fish and Game Commission, was established in addition to what Grassroots Coalition has already provided to the Fish & Game Commission Petition (namely that CDFW violated the Ca. Coastal Act according to the Ca. Coastal Commission while allowing unpermitted drains giving rise to drainage of Ballona's freshwater for the past 20 years thereby harming the hydrology of Ballona Wetlands Ecological Reserve. The DEIR also contained no information pertaining to the ongoing, unpermitted drains and drainage.). The following also demonstrates CDFW non adherence to the Fish & Game Commission's Title 14, Section 630 Purpose and Description of Ballona Wetlands Ecological Reserve by:

1) CDFW's Director Bonham, during the May 27, 2021 Meeting of the California Coastal Conservancy, cited that no evaluation had taken place per a predominantly seasonal freshwater wetland Alternative for Ballona Wetlands Ecological Reserve (namely, a hydrology evaluation for Ballona Wetlands itself) and,

2) The CEQA portion of the Ecological Reserve's evaluation also establishes that no CEQA qualified hydrological evaluation was performed for Ballona Wetlands itself. Instead, there were two hydraulics evaluations of the the water flow of the Ballona Channel, both of which have been acknowledged by CDFW (and the Army Corps of Engineers) as inaccurate and unacceptable.

The hydraulics evaluations were also based upon potential BOUNDARY CHANGES outside the Ecological Reserve Boundaries.

The BOUNDARY of the Ballona Wetlands Ecological Reserve does NOT include the Ballona Channel and its levees. The Section 630 Ecological Reserve acquisition BOUNDARIES are the lands within the purchase area from Playa Capital LLC. The Ballona Channel and its levees are distinct areas outside the Ecological Reserve as acquired and PURPOSED by the Title 14, Section 630 language in 2004/5. No apparent LAND MANAGEMENT PLAN was created by the Department of Fish & Wildlife. The public was never provided an opportunity to interface with CDFW per a Draft or other CDFW Land Management Plan for Ballona Wetlands Ecological Reserve.

3) CDFW's lack of adherence to the Governor's Order: Sustainable Groundwater Management Act and its protection to Groundwater Dependent Ecosystems (ie. Ballona Wetlands Ecological Reserve)

As part of the Sustainable Groundwater Management Act, **The Governor's Order also establishes the requirement for preservation of biodiversity**. Ballona is a unique and now very rare, predominantly seasonal freshwater wetland. (See attached Chart / video of biodiversity gains and losses in So. Cal.. Ballona now supports the rarest of coastal wetland attributes such as salt panne and freshwater resources). <https://www.youtube.com/watch?v=qgtRMZe8gFc>. This presentation by Restoration Expert Margot Griswold Phd, includes citation to studies affirming the nature of Ballona as a predominantly seasonal freshwater wetland. Earlier studies ie. Poland et al 1959 hydrology studies of the LA Basin and the congressional document of the creation of Marina del Rey, known as House Document 389 also affirm the unique freshwater nature of Ballona. Neither available studies were addressed in the FEIR or the Draft EIR.

<https://saveballona.org/water-laws-effecting-ballona-poland-report-grandfather-all-ballona-hydrology-1959-house-documents-389-and-780-establish-marina-del-rey.html>

Ballona Wetlands is now (2021) acknowledged as a Groundwater Dependent Ecosystem for inclusion into the Groundwater Sustainability Planning for the Santa Monica Basin.

While CDFW has protocol for and has been engaged elsewhere in Groundwater Dependent Ecosystem Planning evaluations and protection; CDFW has not applied any of this protocol and/or protection to Ballona Wetlands Ecological Reserve. CDFW is thus far, not participating in the ongoing GSP which includes Ballona Wetlands Ecological Reserve and its freshwater/fresh groundwater resources.

4). While the DEIR contains **US Fish & Wildlife (USFW)** comments of concerns and requests for freshwater evaluation and protection to Ballona Wetlands Ecological Reserve, CDFW has been non responsive in the Final EIR.

And, even as USFW requests information from agencies per adherence to protection of Ballona's groundwater and surface water, per the Sustainable Groundwater Management Act (SGMA) and per Ballona as a Groundwater Dependent Ecosystem(GDE) , CDFW has remained non responsive and has not

engaged in any manner towards fulfillment of SGMA or towards protecting Ballona as a GDE. (Attached Is a USFW letter request per Groundwater Sustainability Planning and Ballona Wetlands Ecological Reserve)

5) The Fish & Game Commission's directives within the Section 630 ER language for Ballona that directs protection to Ballona's freshwater marsh aspects, can also be further clarified via the status of the lands and freshwaters of Ballona as an Indigenous People's—SACRED SITE as registered by the Native American of standing—John Tommy Rosas. Guidance and clarity needs to be provided to CDFW by the Fish & Game Commission as CDFW has not

acted in good faith and/or been responsive to Mr. Rosas or Ballona's status as a registered SACRED SITE and his arguments for protection to the Sacred Site's freshwater restoration. Mr. Rosas specifically cites to what he writes as an illegal taking and diversion and throwaway of both the freshwater of Ballona and his ancestor's remains that are within that freshwater. <https://saveballona.org/john-tommy-rosas-ccc-tongva-burial-grounds-2005-video-maxine-waters-freshwater-marsh.html>

BOUNDARIES OF ECOLOGICAL RESERVES (PETITION REQUEST TO INCLUDE BOUNDARY Management language clarification/ recommendations)

The current FEIR PLAN of conversion of Ballona Wetlands into a saltwater bay by CDFW IS CONTINGENT UPON APPROVAL for inclusion of areas managed, controlled by, and liabilities held by both the County of Los Angeles and the Army Corps of Engineers that are OUTSIDE the Ecological Reserve Boundaries as acquired in 2004/5.

The former Water Resource Development Act (WRDA) 2012 agreement for studying the removal and relocation of the current levees for Ballona Channel reconstruction (which necessitated the previously unforeseen hydraulics evaluation) is NO LONGER IN EFFECT. 1) the two hydraulics studies were inaccurate and not acceptable by the USACE and/or the County of Los Angeles, and 2) the WRDA agreement is no longer a priority status agreement by either the County of LA and/or the USACE and 3) no financing currently exists for the USACE and/or County engagement at this time and 4) there is no showing that either the County of LA and/or the USACE have any intention of maintaining engagement with the CDFW for the CDFW conversion plan for Ballona to move forward.

Attachments for informational purposes:

Link is Blue (LETTER 4/11/14)

As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW](#) ... draining Ballona is harmful to the ecosystem:

USFWS LETTER 2021 June- Christine Medak-

-----Original Message-----

From: Medak, Christine <Christine_Medak@fws.gov>

To: lori.webber@waterboards.ca.gov <lori.webber@waterboards.ca.gov>

Cc: <>

Sent: Mon, Jun 7, 2021 2:53 pm

Subject: Fw: [EXTERNAL] Fwd: Santa Monica Basin Groundwater Sustainability Plan (GSP) Stakeholder Workshop June 2021 Invite

Hi Lori,

Do you know if there have been or are planned to be any groundwater management plans developed for the area including the Ballona Ecological Reserve? I am not able to respond to this question because I have not previously been involved in groundwater planning. If you are not the appropriate contact, can you please refer me to a contact within your agency that can provide some information on how this type of planning effort is typically initiated? I agree that Ballona wetlands would benefit from additional freshwater that is currently diverted to sanitary sewers or directly to Ballona Channel (through an underground culvert).

Christine L. Medak

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

2177 Salk Avenue, Suite 250

Carlsbad, CA 92008

I am currently working from home indefinitely. Please contact me via email.

The following slide presentation provides information on the SGMA and the ongoing Groundwater Sustainability Planning for the Santa Monica Basin.

Ballona, at the time of the creation of this ppt was not included in the GSP but now is acknowledged as a Groundwater Dependent Ecosystem by the

GSP planners who now seek information pertaining to Ballona Wetlands Ecological Reserve and its environs to fill in all the data gaps pertaining to all the ongoing groundwater diversions, including diversions to which CDFW has partaken and are ongoing as CDFW states that it is a board member of the Playa Vista Ballona Conservancy which manages the water diversions.

Jeanette Vosburg has shared a OneDrive file with you. To view it, click the link below.

 [PATRICIA FINAL PPT 3.15.21 Presentation1 2.pptx](#)

The following image depicts one of CDFW's and its partner's, Playa Vista, unpermitted drains that since CDFW's ownership (in Public Trust) of Ballona (2004) through to 2017, had been illegally draining and throwing away (into the ocean) Ballona's ponding rainwater resources. Grassroots Coalition, after prevailing in court against both CDFW and Playa Vista, Grassroots Coalition's Settlement Agreement provided ultimately for the closure of these illegal drains by the California Coastal Commission who decried the drains as a Violation of the Coastal Act and harming the hydrology of Ballona. (CCC Letter 2014— A letter to which neither CDFW nor Playa Vista was responsive)

As is readily apparent below, the pickle- weed photographed by Restoration Expert, Margo Griswold Phd, below right as part of one of her presentation slides, attests to the native pickle weed regrowth throughout this area, post sealing the harmful drains.



October 2012 Pre-capping Photo J. Coffin

Photos to East
of South Drain
Area B



August 2020 Three years post capping Photo M. Griswold



Unpermitted drains in Area B
in currently preserved areas that support
wetland vegetation once drains were capped.

FEIR has inconsistencies of existing
Hydrology and Vegetation: Capping the
unpermitted drains in B north
resulted in native pickleweed wetland habitat.

Ballona's habitat has become the rarest along Southern California.

CHANGE IN LAGOON HABITAT TYPES NORTH SAN DIEGO COUNTY

	Historical (acres)	Contemporary (acres)	% Change
SALT MARSH	1,330	1,170	-12%
SALT FLAT (SEASONALLY FLOODED)	1,230	120	-90%
OPEN WATER MUD FLAT	140	980	615%
FRESHWATER/ BRACKISH WETLAND	1,650	760	-54%
DEVELOPED		1,440	

NORTHERN SAN DIEGO COUNTY LAGOONS Historical Ecology Investigation REGIONAL PATTERNS,
LOCAL DIVERSITY, AND LANDSCAPE TRAJECTORIES
San Francisco Estuary Institute



Please accept this additional information as offered in our phone conversation, and Grassroots Coalition looks forward to a positive resolution to the all of the unresolved issues and potential alternatives that will protect Ballona Wetlands Ecological Reserve as was intended in the Section 630 Ecological Reserve

language for Ballona Wetlands. Please also let us know if you seek any further clarification of what Grassroots Coalition has provided for this Petition review.

Thank you for your attentiveness to these matters of great public importance,
Patricia McPherson, Grassroots Coalition



Tracking Number: (2021-010_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Grassroots Coalition, Patricia McPherson

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

Grassroots Coalition is a nonprofit public interest environmental organization that has long worked (30 years) to protect Ballona Wetlands and was instrumental in the fact finding, working with the Los Angeles Department of Building & Safety, which brought about a willing seller, PLAYA CAPITAL LLC, as the City of LA determined that no residential building should occur west of Lincoln Blvd. due to the underlying potential hazards of SoCalGas/ Playa del Rey. Grassroots Coalition is dedicated to the protection of species and their habitats through science, policy and environmental law.

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of

the Commission to take the action requested: Title 14, pursuant to sections 1580, 1581, 1584 of the Fish and Game Code and to implement, interpret or make specific sections 1580-1585 and 1600-1603 of said Code, and per Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve. And, Fish & Game Code 703 (a), 703.3, 101.5, 108€, 64, 89.1 in compliance with 13050 Water Code. And, per Section 630 as cited by Commission in 2005—pursuant to the authority vested by the Fish & Game Code additional Sections 1526, 1528, 1530, 1590, 1591 & 1901.

3. Overview (Required) - Summarize the proposed changes to regulations:

Amend language of Section 630, Title 14 CCR, prepared for Ballona Wetlands and its inclusion as an Ecological Reserve, for the purpose of clarification of its historical ecological function not known at the time of its inclusion under Section 630 but subsequently became known via Historical Ecology of the Ballona Creek Watershed by Travis Longcore, Eric Stein, Darko et al. And, per the availability of the 1959 Poland et al Report; Congressional House Document 389. (1. a., b. LINK 4.) The proposed language



change would include / emphasize protection to Ballona's freshwater and its underlying freshwater aquifers. (Department of Water Resources Map, Silverado, Bellflower and Ballona aquifers-LINK attached)

This proposed amendment is intended to clarify, implement and make specific the BWER (Section 630) language per freshwater to ensure evaluation for protection purposes takes place as was ordered by the Fish and Game Commission via Section 630 language and via Commission implementation codes, and implemented as is currently understood per the Groundwater Sustainability Act (Governor Executive Order N-10-19; Sustainable Groundwater Management Act).

GROUNDWATER DEPENDENT ECOSYSTEMS: ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface. [23 CCR § 351(m).]

Including 23 CCR 354.16(g); 23 CCR 351(o), and impacts to Water Code 10727.4(l); 10721(x)(6).

Ballona Wetlands is a groundwater dependent ecosystem. (Poland et al; Congressional House Document 389, creation of Marina del Rey; Playa Vista Phase 1 EIR (LINKS provided below)

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

Section 630, Title 14, California Code of Regulations pertaining to Ballona Wetlands Ecological Reserve pursuant to Fish & Game Code-

§ 1584. "Ecological reserve"

As used in this article, "ecological reserve" means land or land and water areas that are designated as an ecological reserve by the commission pursuant to Section 1580 and that are to be preserved in a natural condition, or which are to be provided some level of protection as determined by the commission, for the benefit of the general public to observe native flora and fauna and for scientific study or research.

HISTORY:

Added Stats 1968 ch 1257 § 1 Amended Stats 1985 ch 635 § 2 Stats 1993 ch 667 § 2 (AB 521)



TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530, 1580–1585, 1590 and 1591 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

The reasons for listing this property in Title 14 are



...”Since the property contains sensitive species, including a state endangered species, sensitive species, sensitive vegetation communities, and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources.” (BWER Section 630)

The regulatory language of BWER also goes on to add Department of Fish & Wildlife actions which are intended to ONLY PROVIDE ADDITIONAL LEVELS OF PROTECTION and not less.

§ 703. General policies; Response to requests

(a) General policies for the conduct of the department shall be formulated by the commission. The director shall be guided by those policies and shall be responsible to the commission for the administration of the department in accordance with those policies.

This action is sought to ensure the responsibilities of the Fish & Game Commission and administration and implementation of its language and policies of Section 630 on behalf of Ballona Wetlands Ecological Reserve are carried out as written and intended.

Based upon the current Ballona Wetlands Ecological Reserve Section 630 language of “protection and enhancement of coastal salt marsh and **freshwater** marsh habitats,...”, the California Department of Fish & Wildlife (CDFW) has failed to adhere to this specific language under the California Code of Regulations. Throughout the Environmental Impact Report evaluations of Ballona Wetlands for its restoration, CDFW failed to include evaluations to 1) understand the hydrology of Ballona Wetlands, and 2) include information pertaining to readily available knowledge of potential and ongoing harm to those freshwater resources, and 3) has failed to provide measures designed to protect the freshwater resources of Ballona Wetlands. Instead, CDFW has aided in the harm to Ballona’s freshwater resources by having failed to acknowledge, be publicly transparent about, and/or failed to willingly stop harmful dewatering of Ballona Wetlands Ecological Reserve. Example: Grassroots Coalition v Playa Vista and CDFW. This lawsuit was brought by Grassroots Coalition as a result of inaction on the part of CDFW to willingly seal two unpermitted drains in the Reserve. Repeated letters citing violations of the Coastal Act from the California Coastal Commission(CCC) Enforcement Branch to Playa Vista and CDFW, citing the drains as unpermitted and harming the hydrology of the wetlands, CDFW failed to respond and/or be responsive to requests for sealing the drainage areas.(CCC letters included Letter of 4/11/14 to Playa Vista, CDFW)

Grassroots Coalition (GC) subsequently litigated against both Playa Vista and CDFW, and prevailed which gave rise to the California Coastal Commission enforcement of ‘capping the two unpermitted and harmful drainage areas in the Reserve. The outcome of the sealing of the drains has been freshwater ponding returning seasonally to this area of the Reserve and has allowed for expansive growth of pickleweed throughout the area that is significant due to the need of Belding’s Savannah Sparrow habitat expansion (a state listed endangered species dependent upon large swaths of pickleweed for nesting.)(images of before/after are included via Dr. Margot Griswold, restoration ecologist; u tube 4/20/21 Margot Griswold Phd Presents Ballona Wetlands FEIR Inconsistency and Overlooked Opportunities)

As determined via Historical Ecology of the Ballona Creek Watershed- Travis Longcore Phd et al,



Ballona Wetlands is a predominantly closed to the ocean, predominantly seasonal freshwater system which includes salt pans, uplands, rare grasslands and man made openings to the Ballona Channel. Typically, seasonal rainwater ponding can last for months on Ballona Wetlands (Terry Huffman Phd 1986 USEPA , Region IX, Determination of the Presence of Aquatic and Wetland Habitats Subject to Federal Regulatory Jurisdiction Within The Ballona Creek Land Tract) which, in part percolates into the watershed of Ballona and its underlying freshwater aquifers: Silverado at the base, Bellflower and Ballona which act as one throughout (DWR Map 1961 & CDM 1998) and the freshwater table is at or near surface (Playa Vista EIR Phase 1, 1990). The freshwater is classified by the Los Angeles Regional Water Quality Control Board as Potential Drinking Water, and in a recent Prop. 65 court decision was classified as Drinking Water for purposes of remediation ordered upon SoCalGas/ Playa del Rey underground gas storage operations.

§ 703.3. Resource management decision-making

It is the policy of the state that the department and commission use ecosystem-based management informed by credible science in all resource management decisions to the extent feasible. It is further the policy of the state that scientific professionals at the department and commission, and all resource management decisions of the department and commission, be governed by a scientific quality assurance and integrity policy, and follow well-established standard protocols of the scientific profession, including, but not limited to, the use of peer review, publication, and science review panels where appropriate. Resource management decisions of the department and commission should also incorporate adaptive management to the extent possible.

CDFW has failed to include any hydrology evaluations in order to protect the underlying freshwater aquifers from potential harm. The force of law per the CCR Title 14, Section 630 for Ballona Wetlands Ecological Reserve has been ignored and needs to have adherence.

The United States Fish & Wildlife Service (USFWS) utilizing its jurisdiction over Ballona Wetlands Ecological Reserve, has made clear, in both response comments to the Ballona DEIR and in the letter attached, their concerns related to protection of freshwater marsh aspects of Ballona Wetlands Ecological Reserve as well as the protection to the freshwater of Ballona Wetlands Ecological Reserve.

Per the Code cited below it would be appropriate for the Commission to advance, in any manner it has at its avail, to implement via the Department of Fish & Wildlife or itself, to work with pertinent agencies and departments (ie. The City/County of Los Angeles and Los Angeles Regional Water Quality Control Board (LARWQCB) and the Department of Water Resources (DWR)) in order to further the protection of the freshwater resources of Ballona Wetlands Ecological Reserve.



§ 703.3. Resource management decision-making

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Under Article 4. Ecological Reserves; 1580 provides for the Ca. Fish & Game Commission To:

The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves. The ecological reserves shall not be classified as wildlife management areas pursuant to Section 1504 and shall be exempt from Section 1504.

§ 1581. Acquisition to be in name of state; Governing rules and regulations

Any property acquired in fee for ecological reserves shall be acquired in the name of the state, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as ecological reserves

Attachments:

1. California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663 Ballona Wetlands Ecological Reserve

https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG%2020-Z_5.20.05_notice.pdf

2. California Fish & Game Code

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178840&inline> Ca. Fish & Game Code

3. DWR AQUIFER MAP 1961/ CDM 1998 , scroll to 1. (c)

<https://saveballona.org/jvstop-drying-out-ballona-wetlands-ecological-reserve-stop-playa-vistas-confiscation-and-throw-away-ballonas-freshwater-resources.html>

4. Poland Report; Congressional House Document 389 are in the LINK above at 1. a., b. respectively.

5. As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW ... draining Ballona is harmful to the ecosystem:](#)



USFWS LETTER 2021 June- Christine Medak-

-----Original Message-----

From: Medak, Christine <Christine_Medak@fws.gov>

To: lori.webber@waterboards.ca.gov <lori.webber@waterboards.ca.gov>

Cc: <>

Sent: Mon, Jun 7, 2021 2:53 pm

Subject: Fw: [EXTERNAL] Fwd: Santa Monica Basin Groundwater Sustainability Plan (GSP) Stakeholder Workshop June 2021 Invite

Hi Lori,

Do you know if there have been or are planned to be any groundwater management plans developed for the area including the Ballona Ecological Reserve? I am not able to respond to this question because I have not previously been involved in groundwater planning. If you are not the appropriate contact, can you please refer me to a contact within your agency that can provide some information on how this type of planning effort is typically initiated? I agree that Ballona wetlands would benefit from additional freshwater that is currently diverted to sanitary sewers or directly to Ballona Channel (through an underground culvert).

Christine L. Medak
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

I am currently working from home indefinitely. Please contact me via email.



https://saveballona.org/system/files/TR_671_UrbanWildLands.Org.resources-Ballona_Historical_Ecology.pdf

<https://www.youtube.com/watch?v=avpCqRoEbdc> 4/20/21 Margot Griswold Presents Ballona Wetlands FEIR Inconsistency & Overlooked Opportunities (30:28 Timecode setting for images of pre-sealed drains and post-sealed unpermitted drains.

SECTION II: Optional Information

5. **Date of Petition: June 14, 2021**

6. **Category of Proposed Change**

☐ Sport Fishing

☐ Commercial Fishing

☐ Hunting

x Other, please specify: Amend Section 630, Title 14, CCR

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

x Amend Title 14 Section(s). Section 630 Ecological Reserve Ballona Wetlands |

☐ Add New Title 14 Section(s): [Click here to enter text.](#)

☐ Repeal Title 14 Section(s): [Click here to enter text.](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or X Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency:

An exigency exists for implementation of the protection of Ballona Wetlands Ecological Reserve's freshwater resources as they are currently in jeopardy of degradation and loss due to waste of clean, fresh groundwater pumping and diversion by Playa Vista to both the ocean and the Los Angeles Sanitary Sewer System. The Ballona Conservancy has oversight of this freshwater diversion and CDFW states that it is a board member of this Conservancy however, CDFW as a board member, has failed to stop the waste and throwaway of this freshwater formerly available year-round to the Reserve. Thus, Grassroots Coalition requests this Petition be approved to provide **for implementation by the Fish & Game Commission** and for clarification to and enforcement from CDFW per Section 630, Title 14, CCR for the purpose of protecting Ballona Wetlands Ecological Reserve, its freshwater including the freshwater aquifers.



California Fish & Game Commission- created by Section 20 of Article IV of the Constitution.

-And, per decisions made by the Fish and Game Commissioners under Ca. Fish & Game Code

101.5in relevant part- ..'the Commission makes complex public policy decisions and biological decisions on behalf of the people of California. '

-And, per Section 630 BWER protection to its freshwater as **implementation of regulations and policies** are provided for in California Fish & Game Code 108 (e) :

(e) A commissioner shall preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its regulations and policies.

- And, per Ca. Fish & Game Code 64. Order, Rule, Regulation are terms used interchangeably and each includes the other.

-And, that the 630 BWER protections include its freshwater marshes, that would include direction from Ca. Fish & Game Code 89.1 Waters of the State as in compliance with Section 13050 of the Water Code.

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: *see attachments, LINKS above.*

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: *None known*

12. Forms: If applicable, list any forms to be created, amended or repealed:

None known

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

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☐ Denied - same as petition

Tracking Number

☐ Granted for consideration of regulation change